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November 13, 2000

**BY FACSIMILE AND FEDERAL EXPRESS**

Kevin A. Malone, Esq.  
Krupnick, Campbell, Malone, Roselli, Buser, Slama,  
Hancock, McNelis, Liberman & McKee  
700 Southeast Third Avenue, Suite 100  
Fort Lauderdale, Florida 33316

Re: *Department of Amazonas, et al. v. Philip Morris Companies Inc., et al.*,  
00 CV 2881 (NGG) (consolidated)

Dear Kevin:

In response to your letter of November 6, 2000, this is to advise that, in order to spare unnecessary or premature litigation, we would be willing to work with you in the above-referenced action to attempt to arrange for a preservation of potentially relevant documents currently in the possession of pertinent financial institutions.

However, in the absence of any compelling explanation for seeking to obtain production of documents before the Court has ruled on the motions to dismiss for lack of subject matter jurisdiction, the failure of your complaint to state a claim for relief and other grounds, we are not in a position to agree to the issuance of non-party subpoenas for production of documents as suggested in your letter of November 6. Further, we note that while your letter describes the purpose of seeking the documents in inflammatory language that we deny, the letter fails to identify a single financial institution or any of the categories of financial records you intend to seek. Finally, we note that your request seeks documents that predate the expiration of civil RICO's four-year statute of limitations. While we see no justification for obtaining bank records prior to May 1996 – or four years prior to the filing of the first complaint – we see even less justification for litigating the issue at this time before our substantial motions to dismiss are briefed, argued and resolved.

If you are interested in working with us to arrange for the preservation of certain financial records in the possession of specific financial institutions, I suggest you advise us of the identity of the financial institutions in which you are interested, the precise nature of the documents you wish preserved and a reasonable cut-off date bearing some logical connection to a damage period authorized by the RICO statute. We would then be

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willing to work with counsel for the identified financial institutions to seek a stipulation, which could be so ordered by the Court, to preserve the documents for the duration of this litigation, including by suspending any otherwise applicable document retention policy.

We look forward to working with you constructively on this matter and sparing the Court unnecessary litigation on this premature issue.

Sincerely,

A handwritten signature in dark ink, appearing to read "Irvin B. Nathan", is written over the typed name.

Irvin B. Nathan

cc: Ronald S. Rolfe, Esq.  
Peter A. Bellacosa, Esq.  
David M. Bernick, Esq.